

**Probate Committee
Judicial Conference of Indiana**

August 20, 2004
Minutes

1. Members present. The following members of the committee were present: Kevin Barton, Larry E. Bradley, Barbara Harcourt, Phillip E. Houk, Peter Nemeth, and Terrence Cody, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of minutes. The committee approved the minutes from the April 22, 2004 meeting.
4. Probate Deskbook Updates. Michelle presented draft updates for the Inheritance Tax section and the Dead Man Statutes section based on the 2004 Legislative session. The Committee made an additional correction to the Inheritance Tax section on page 2 item C(2). Both of these drafts were approved for publication. The Committee also discussed 2004 Legislative changes to the Mental Health section, specifically the amendment of IC 12-26-15-1 and requested Michelle to draft the revisions to the Deskbook. The Committee reviewed the Legislation on Psychiatric Directives and Volunteer Senior Advocates and decided not to include these topics in the Deskbook.
5. Questions regarding Probate Matters. Michelle received a question from a Judge asking the Committee for information on how members deal with guardianship cases in which two year reports have not been filed. The Committee members indicated that they set up a tickler system and if not timely filed send a notice to file the report. If the report is still not filed then they set a show cause hearing (a sample form is in the Deskbook).
The Committee also discussed issues dealing with restricted accounts, circumstances in which reports are or are not required by the courts, and orders regarding inheritance taxes.
6. New Judge Orientation. The Committee received an outline of the topics covered and upon reviewing the outline did not have any additional topics to add to the list. Michelle also asked if anyone would like to volunteer to serve as faculty for this session in January. Judge Cody and Com. Bradley both volunteered.
7. Fee Guidelines. The Committee received copies of emails from the State Bar Section relating to the Maximum Fee Guidelines. The Committee felt that the current version is still adequate. The Committee discussed the emails and asked that this be put on the agenda for the next meeting for further review to determine if disclaimer language should be added to the guidelines and ensure the fee statutes are clearly referenced. Michelle was asked to draft this for the Committee.
8. Next meeting. The next meeting is scheduled for November 19, 2004 at 1:00 p.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman